

**AGENDA
CITY OF FAYETTEVILLE
HISTORIC RESOURCES COMMISSION
CITY COUNCIL CHAMBERS
ELECTRONIC/ZOOM MEETINGS
TUESDAY, JULY 28, 2020
4:00 P.M.**

**AGENDA
CITY OF FAYETTEVILLE
HISTORIC RESOURCES COMMISSION
CITY COUNCIL CHAMBERS
ELECTRONIC/ZOOM MEETINGS
TUESDAY, JULY 28, 2020
4:00 P.M.**

1. ROLL CALL

2. APPROVAL OF THE AGENDA

3. APPROVAL OF MINUTES FROM JANUARY 28, 2020, MEETING

4. PUBLIC HEARINGS

- ❖ COA20-012—111 Maxwell Street—Façade Renovation
- ❖ COA20-015—383 Franklin Street—Small Cell Tower
- ❖ COA20-020—101 Person Street—Small Cell Tower

MINOR WORKS

- ❖ COA20-013—154 Bow Street—Signage
- ❖ COA20-014—116 Hay Street—Awning and Repairs
- ❖ COA20-016—109 Gillespie Street—Signage and Repairs
- ❖ COA20-017—RV Market House—Exterior Repairs Market House
- ❖ COA20-018—318 Hay Street—Awning
- ❖ COA20-019—Parking Kiosks
- ❖ COA20-021—Market Place Painting—Market House Round about Painting
- ❖ COA20-022—Franklin Street—Sidewalk Sign
- ❖ COA20-023—Hay Street—Signage

5. OTHER BUSINESS

6. ANNOUNCEMENTS

7. ADJOURNMENT

**MINUTES
CITY OF FAYETTEVILLE
HISTORIC RESOURCE COMMISSION
CITY COUNCIL CHAMBERS
DECEMBER 17, 2019 @ 4:00 P.M.**

MEMBERS PRESENT

Liz Varnedoe-Raynor
Bruce Arnold
Jeremy Fiebig
Kennon Jackson
Gordon Johnson
Thomas Batson

STAFF PRESENT

Taurus Freeman, Planning & Zoning Divisional Manager
Jennifer C. Baptiste, Senior Planner
Lisa Harper, Assistant City Attorney
Catina Evans, Office Assistant II

MEMBERS ABSENT

William Bass
Tiffany Ketchum
Henry Tyson
George E. Turner

The December 17, 2019, Historic Resources Commission Meeting was called to order by Chair Liz Varnedoe-Raynor at 4:01 p.m.

I. ROLL CALL

II. APPROVAL OF AGENDA

MOTION: Jeremy Fiebig moved to approve the agenda for the December 17, 2019, meeting.
SECOND: Gordon Johnson
VOTE: Unanimous (6-0)

III. APPROVAL OF MINUTES FOR AUGUST 27, 2019

MOTION: Kennon Jackson moved to approve the August 27, 2019, minutes.
SECOND: Bruce Arnold
VOTE: Unanimous (6-0)

IV. PUBLIC HEARINGS:

The Historic Resources Commission is a quasi-judicial commission and as such will hear sworn testimony and receive evidence regarding Certificates of Appropriateness or other issues being considered. Liz Varnedoe-Raynor stated that this was a public hearing and public comment was allowed. Liz Varnedoe-Raynor stated that it was the Commission's job to create a record of the facts and base decisions on the facts. Liz Varnedoe-Raynor stated that individuals who are going to speak needed to be sworn in.

All speakers were sworn in by Taurus Freeman, Planning & Zoning Divisional Manager.

Liz Varnedoe-Raynor asked if any member had a reason that they needed to be recused from this case COA19-054 or if any member has engaged in any ex parte communications and wishes to have the substance of those communications placed on the record please say so now.

Each member of the Historic Resource Commission stated there were no conflicts with COA19-054, and Varnedoe-Raynor opened up the public hearing.

COA19-054: Jennifer C. Baptiste presented the application requesting a Certificate of Appropriateness to install a wind screen at the front entrance of the former Smith & Sandrock Building currently Antonella's. The renovations proposed for the site will involve the following:

- 1) Installation of a wind screen at the front entrance of 300 Hay Street for the former Smith and Sandrock Building
- 2) Attachment of the windscreen to the existing awning, releasing and retracting the awning as needed
- 3) Installation of a 22'6"l x 56 ¾" w x 94"h to cover the front entryway and window façade adding 64 additional square feet to the heated square footage of the structure

Applicable Design Guidelines

Windows and Doors

- Preserve the historic materials, details, and features of the windows and doors that add to the character of the historic building or district.
- Install an awning over windows, doors, porches, and storefronts where historically appropriate without obscuring the windows, doors, or other character defining features.
- Establish the design based on historical profiles, styles, and shapes.

Storefronts

- Maintain and preserve the historic storefront features including entrances, displays, windows, transforms, bulkheads, pilasters, columns, signs, and awnings.

STAFF RECOMMENDATION:

Staff recommended approval of the project based on it meeting all of the criteria in the Design Guidelines with the following four conditions:

1. The wind screen will be allowed for a period of four months, December (date of approval) through March 31, 2020.
2. Approval by the Fire Marshal's Office for fire rating.
3. No additional seating to be located within the screened area.
4. Submit plans for approval regarding the attachment to the façade, if applicable.

Baptiste asked if there were questions from the board members. Bruce Arnold had a question about the timeframe for having the awning up. Baptiste reaffirmed that it would only be up during the winter months when needed and the board could establish this as an annual occurrence.

Kennon Jackson inquired about inspection approvals, and Baptiste stated that there were initial approvals and the final approvals would occur later on.

Jeremy Fiebig was concerned about the need for flexibility in the timeline for implementing the awning due to changes in the weather, which have occurred in previous years through the month of March. Varnedoe-Raynor agreed that the utilization of the awning should be a continuous thing.

Jackson inquired about the appearance of the awning when it was attached to the current building, specifically how it would be attached. Baptiste stated that the owner could thoroughly answer that question.

Varnedoe-Raynor opened the hearing up for any speakers.

Speakers

Chalmers McCombs, 2905 Bloomwich Court, Fayetteville, NC 28306 (owner of Pennick Properties, 235 Old Street Suite 202 Fayetteville, NC 28304)

McCombs, applicant on record and representing Ms. Antonella Scibilia (owner of Antonella's), addressed the question posed by Jackson regarding how the awning would be attached to the building. He stated that the awning would have a drop-down curtain and provide shelter from the cold winds that leak into the building through the single-pane glass. Currently, customers tend to avoid sitting in the front of the restaurant due to the cold draft.

Jackson further inquired if the curtain will be attached to the façade of the building, and McCombs stated that it would not be attached to the building only the awning. Arnold inquired if it was a flexible structure, and McCombs stated that it would contain aluminum poles that would not create a rigid fixture. After a few additional questions, Varnedoe-Raynor asked if the owner of the property would like to speak.

Antonella Scibilia, owner of Antonella's Italian Ristorante, 300 Hay Street, Fayetteville, NC 28301

Scibilia spoke in favor of the awning because it would aide in maintaining a comfortable heat level for her customers. Currently, Scibilia has increased the temperature (heat levels) in her restaurant to accommodate customers.

Varnedoe-Raynor asked if there were any further questions for the owner.

McCombs added a question regarding clarification on the timeline for how long they would be able to have the awning displayed. Varnedoe-Raynor stated that the timeframe would need to be set in stone. After further questions from the board regarding the structure, Freeman presented a letter in favor of the project from Bianca Shoneman, President and CEO of the Cool Spring Downtown District, Inc, located at 222 Hay Street.

Arnold posed his concerns that the board was previously told they could not accept any letters from residents as part of an application, but Assistant City Attorney Lisa Harper assured them they could accept the letter but they would not be able to cross examine the person.

Since there were no further questions, Varnedoe-Raynor closed the public hearing.

MOTION: Bruce Arnold moved that the Historic Resources Commission grant a Certificate of Appropriateness (COA) to Chalmers McCombs of Pennick Properties to install a wind screen at the front entrance of the former Smith & Sandrock Building, now Antonella's, according to plans submitted as long as the following criteria is met:

1. The structure is temporary in nature and not permanently attached by mechanical means.

2. The windscreen should be put up annually from October 1 to April 15 (it must be taken down by April and can be put up again in October).
3. The structure must meet the fire marshal requirements.
4. No dining shall occur in the awning enclosure.
5. The structure should not be attached to the building or sidewalk.
6. The structure should not exceed the size stated in the application.

SECOND: Thomas Batson
VOTE: Unanimous (6-0)

V. MINOR WORKS DISCUSSION

Mr. Taurus Freeman, Planning & Zoning Division Manager, presented the Minor Works applications that were accepted and approved by City Staff and listed on the December 17, 2019, Agenda.

- o COA19-051 – 210 Burgess Street– Repairs
- o COA19-052 – 229 Hay Street – Painting of Building
- o COA19-053 – 101 Gillespie Street- Repair Work to Window Frame

During Freeman's presentation, specific questions were posed by Arnold concerning the building on 229 Hay Street. Arnold had questions in regards to previous COA guidelines that were not met and work that was done without a COA. Arnold asked about the painting of the building. According to Arnold, the Mayor who owns the property addressed Arnold about his concerns. Bruce asked why Freeman would send the owner to address the painting issue instead of coming himself. Freeman acknowledged that he sent his staff to the site and was there as well for thirty minutes, but Freeman stated that he did not send the Mayor. Arnold said that they Mayor told him that Freeman told him to speak with Arnold.

Arnold questioned why the staff approved the painting on a building when it was not previously painted. Based on page 57 of the design guidelines it is inappropriate to paint unpainted buildings. Arnold stated that the bottom portion of the building was painted when the building looked like it had not been previously painted as stated in past COA applications. Freeman stated that the records revealed that it was previously painted. Jackson added that there were documents that served as evidence that the building was previously painted. Arnold said that previous COA guidelines prohibited the owner from painting the building.

Furthermore, Arnold noted that concrete had been poured to change the elevation of the front end of the building. He said that there were ten things against COA guidelines that the owner had no legal right to do. Arnold inquired how this could be resolved. Freeman stated that the board could review the previous guidelines in the COA and then hold the owner accountable.

Arnold stated that he lives next door and sees the work. He argued that the owner did not have a COA in place to conduct modifications to the door which entailed metal front entrance doors along with the elevation of the front sidewalk.

Lisa Harper advised the staff to review the approved COA to determine if an application for additional COA's would be required. If so, the issue could be handled like other cases where applicants needed an additional COA. Harper noted that in the past people who completed projects without a COA were able to apply for and be approved or denied a COA. She suggested that another COA may need to be put in place.

Varenedoe-Raynor suggested that Arnold list his concerns and give them to Mr. Freeman and his staff for review, and the Board would see if another COA was necessary.

Harper added that Arnold should send his list of concerns to all of the members of the HRC.

Freeman stated that if they see any COA violations, then let the staff know and then code enforcement can handle it.

Arnold wanted to know who signed off for the paint, and Freeman stated that the contractor signed for it, but he could have the owner sign documents if necessary.

Jackson stated that the board appreciates that fact that the staff comprehensively reviews concerns, but he noted that the property in question is extensive, located in the historic district and owned by the Mayor. Therefore, the Mayor should want any work done to be above reproach.

Freeman stated that they do not distinguish the mayor from any other applicant.

Arnold had additional concerns regarding the owner diverting from the specific guidelines of the original plans.

Fiebig had a question regarding the timing needed to resolve any violations, and Freeman responded that the staff would review and contact the owner about any violations. Furthermore, Fiebig wanted to know who makes the determination about painting a building. Jackson clarified the statement by inquiring of Freeman what the threshold was for painting.

Fiebig wanted to know who would determine the painting of the building, and Freeman said the staff would approve any future painting based on approvals for previous painting.

Gordon Johnson wanted to know who would review and enforce the COA guidelines, and Freeman said he and the department director would review them. After the applicant completes the work, Johnson wanted to know who reviewed the project. Freeman said that the staff would review it.

Varnedoe-Raynor considered the timing too late when staff reviewed projects. She was concerned about who would be enforcing the COA guidelines prior to project completion. Freeman noted that the inspections department would be responsible for enforcing this. Furthermore, Gordon Johnson stated that inspectors have their own schedule to oversee any projects and check for violations.

The Chair advised Arnold to address his specific concerns to Freeman, let his staff provide answers, and the board would review them during next month's meeting January 28.

Arnold stated that he could not address his concerns directly to the staff because the Mayor stated he would take legal action against him if Arnold continued to involve himself in the project. Additionally, Bruce wanted to know how all of the work had been completed at 229 Hay Street without a COA, specifically on Maxwell Street.

Ms. Harper advised the board to allow the staff to review concerns and come back so that the answers could be addressed appropriately, and Fiebig asked who he could address concerning any COA violations in the historic district. Freeman told Fiebig to approach the code enforcement division with any violations.

Varnedoe-Raynor noted that in the past they could go to code enforcements (Jeff Morin) to address their concerns. Turner agreed.

Fiebig inquired about what level of legal liability and protection would HRC members have when they see and address a violation with the owners.

Harper stated that any citizen was obliged to report code violations when they see them.

Varnedoe-Raynor affirmed that Freeman and his staff would provide Arnold with answers regarding his concerns. Kennon suggested that Arnold address his concerns within the confines of the HRC meeting to avoid personal litigation, and Harper noted that the HRC members should add any additional concerns to this list.

Bruce Arnold listed his concerns as follows:

1. Cleaning or storing materials using dangerous methods
2. Pressure washing the building
3. Inappropriate use of aluminum materials on the building
4. Utilization of substitute materials
5. Use of metal doorways
6. Cutting out tile and replacing with concrete
7. Creating a ramp
8. Painting the terrace
9. Painting masonry elements
10. Altered doorways
11. Unpainted materials being painted with masonry elements
12. Modified doorway
13. Removal of Maxwell Street entrance
14. Reconfiguring of doorway
15. Removal of brick from elements on a previously approved COA for a Hay Street elevation
16. Changing elevation of sidewalk
17. Changing the door

Varnedoe-Raynor stated that Mr. Freeman will come back at the next meeting with all of the previous COA's to address the items listed.

VI. GENERAL DISCUSSION / OTHER BUSINESS

Varnedoe-Raynor inquired if there was any other business to discuss or announcements. Freeman stated that he brought the Commission's previous concerns to the City Council, and the Council would address the designation of the E. E. Smith House as a landmark and the designation of local landmarks under HRC jurisdiction during a future City Council meeting. Furthermore, Freeman addressed Kennon's question regarding the Historic Resources Commission obtaining a consultant to review and set changes for the HRC design guidelines. Freeman stated that the City was not able to obtain the grant funding for this venture. They would be able to reapply for the grant in the future. Arnold added that he would like the staff to let the Commission know when their concerns are addressed at City Council meetings and work sessions, so members can be present.

VII. ANNOUNCEMENTS

IX. ADJOURNMENT

MOTION: Bruce Arnold moved to adjourn the December 17, 2019, meeting.

SECOND: Gordon Johnson

VOTE: Unanimous (6-0)

The meeting adjourned at 5:05 p.m.

Respectfully submitted by Catina Evans

**MINUTES
CITY OF FAYETTEVILLE
HISTORIC RESOURCE COMMISSION
CITY COUNCIL CHAMBERS
JANUARY 28, 2020 @ 4:00 P.M.**

MEMBERS PRESENT

Liz Varnedoe-Raynor
Bruce Arnold
Jeremy Fiebig
Tiffany Ketchum
George E. Turner
Gordon Johnson
Thomas Batson
Henry Tyson

STAFF PRESENT

Dr. Gerald Newton, Director of Development Services
Taurus Freeman, Planning & Zoning Divisional Manager
Jennifer C. Baptiste, Senior Planner
Lisa Harper, Assistant City Attorney
Catina Evans, Office Assistant II

MEMBERS ABSENT

William Bass
Kennon Jackson

The January 28, 2020, Historic Resources Commission Meeting was called to order by Chair Liz Varnedoe-Raynor at 4:00 p.m.

I. ROLL CALL

II. APPROVAL OF AGENDA

MOTION: Bruce Arnold moved to approve the agenda for the January 28, 2020, meeting.
SECOND: Gordon Johnson
VOTE: Unanimous (8-0)

III. APPROVAL OF MINUTES FOR DECEMBER 17, 2019

MOTION: Bruce Arnold moved to table the minutes from the December 17, 2019, meeting until the February meeting.
SECOND: Jeremy Fiebig
VOTE: Unanimous (8-0)

IV. PUBLIC HEARINGS:

The Historic Resources Commission is a quasi-judicial commission and as such will hear sworn testimony and receive evidence regarding Certificates of Appropriateness or other issues being considered. Liz Varnedoe-Raynor stated that this was a public hearing and public comment was allowed. Liz Varnedoe-Raynor stated that it was the Commission's job to create a record of the facts and base decisions on the facts. Liz Varnedoe-Raynor stated that individuals who are going to speak needed to be sworn in.

Liz Varnedoe-Raynor asked if any member had a reason that they needed to be recused from case COA20-004 or if any member had engaged in any ex parte communications and wished to have the substance of those communications placed on the record.

Attorney Lisa Harper reminded the Commission of the definition of a quasi-judicial hearing. Furthermore, she noted that a board member must recuse himself from a case if their participation poses any type of conflict.

Each member of the Historic Resource Commission stated there were no conflicts with COA20-004, except Henry Tyson who asked to recuse himself because of a conflict due to his company conducting business with the applicant.

Varnedoe-Raynor agreed that he must recuse himself.

Harper requested that Bruce Arnold recuse himself from the Major case because he posed a conflict of interest in the previous meeting. Arnold refused to recuse himself on the basis that his legal counsel advised him that there is no conflict of interest because he has no financial interest in the case.

Tiffany Ketchum inquired what the conflict was for Arnold. Arnold stated that he had prior contact with the applicant regarding the issue presented in case COA19-019.

MOTION: George Turner motioned for Henry Tyson to recuse himself from case COA20-004.

SECOND: Gordon Johnson

VOTE: Unanimous (8-0)

MOTION: George Turner moved for Bruce Arnold to remain due to no conflict of interest with case COA20-004.

SECOND: Gordon Johnson

VOTE: (7-0-1) Jeremy Fiebig abstained from voting

Varnedoe-Raynor opened the public hearing.

COA20-004: Jennifer C. Baptiste presented the application requesting a Certificate of Appropriateness to modify previous COA19-19F to change wooden doors to aluminum and steel storefront doors with various glass and steel side light layouts. The modifications are as follows:

- Door #1: Replace the existing painted wood door with an aluminum storefront double door with a full glass pane.
- Door #2: Installation of a new aluminum storefront door with a full glass pane.
- Door #3: Replace existing aluminum door with a similar aluminum door.
- Door #4: Removal of two existing painted wood doors with full glass panel and side lights with an aluminum storefront door.
- Door #5: Replace the existing wood panel door with a metal door.
- Door #6: Replace the existing wood door with full glass panel and sidelights with a six panel metal door and steel sidelight inserts.

Applicable Design Guidelines

Windows and Doors

- Preserve and maintain historic windows and doors as well as historic materials, details, and features.
- Repair historic windows, doors, and their details and features using accepted preservation methods.
- Use substitute material only if the original material is not available.

Storefronts

- Maintain and preserve historic storefronts and their significant features including entrances, display windows, signs, and awnings.
- Masonry building materials should be repaired using recognized preservation methods.
- Building materials that are in sound condition should not be replaced with new materials.
- Architectural details and features should not be applied to a historic storefronts without documentary evidence that it is appropriate. Details should not be used to create a false sense of history.

STAFF RECOMMENDATION:

Staff did not issue a recommendation due to the request being a modification of the previous COA19-19F.

Baptiste asked if there were questions from the board members. Fiebig asked if there were any other modifications besides the doors. Baptiste said that any minor works would deal with signage. Fiebig inquired if the minor works could become major works.

Taurus Freeman answered by stating no, they are defined as minor works in the design guidelines.

Gordon Johnson mentioned that the doors and sidewalk did not match, and Baptiste stated that this would be a code enforcement issue. Johnson asked how it would be resolved and Freeman stated that the building inspector would address it with the applicant.

Arnold mentioned that the door # 2 was a single door and now is a double door, and that doors #4, 5, 6 were not part of the original COA. Freeman responded by stating that they were a part of the original COA that the Board approved. Turner stated that he wanted to hear from the applicant.

Speakers

Attorney Jose Coker-Charleston Group, 201 Hay Street, #200, Fayetteville, NC 28301

Attorney Jose Coker spoke on behalf of the applicant. He addressed the concern of the integrity of the proceedings in regards to the State Code of Ethics for the City of Fayetteville in which the applicant raised objection to Liz Varnedoe-Raynor and Bruce Arnold's participation in the proceedings. Coker noted that Arnold and Varnedoe-Raynor made public remarks that could create the appearance that they were not impartial in regards to the COA20-004 and this would have a negative effect on the hearing. He noted that in quasi-judicial hearings the Commission Members served as judges who had to remain impartial and avoid airing their opinions prior to the hearing.

Arnold questioned what his actions were, and Attorney Lisa Harper stated that he made remarks during the prior meeting and with the applicant.

Lisa Harper stated that a motion could be made in regards to Varnedoe-Raynor's participation in the proceedings after Coker's remarks concerning her comments in the newspaper. Harper added that the Board had already voted in favor of Arnold remaining during the hearing.

MOTION: George Turner motioned for Chairman Varnedoe-Raynor to continue in the proceedings.
SECOND: Gordon Johnson
VOTE: (7-0-1) Jeremy Fiebig abstained from voting

Attorney Coker reiterated that the evidence in the COA supported the modifications. Furthermore, the applicant had made the necessary changes in regards to the wood doors being changed back to the original aluminum doors.

Arnold posed the question if it was a conflict for Attorney Coker to represent the applicant due to his affiliation with the Charleston Group. Harper stated that it is not a conflict due to his standing. Anyone with standing in regards to a case can speak during the hearing.

George Turner mentioned that the Board was setting a bad precedent in regards to continually approving COA's after the work had already been completed. Varnedoe-Raynor asked if the building was finished and Coker stated that he did not know.

Since there were no more questions, Varnedoe-Raynor closed the hearing.

MOTION: George Turner moved to approve COA20-004 based on the following findings:

This application is requesting to modify the previously approved Certificate of Appropriateness (COA19-19) by changing doors identified on the submitted elevation as wooden doors to aluminum storefront doors as well as changing double side light doors to single side light doors along the Maxwell Street side of the former S. H. Kress & Co. Building addressed as 229/231 Hay Street.

The applicant is requesting to modify COA19-19 by changing six doors labeled on the original plans as wood to aluminum storefront doors. The applicant is also requesting that two doors identified as having double side lights be reduced to doors with single side light.

Specifically, the applicant is requesting to replace the existing painted wood door identified as door #1 (left along Hay Street) be replaced with an aluminum storefront door that will be painted black and will have a full glass pane.

Door #2 (center along Hay Street) will require the installation of a new aluminum storefront door painted black with a full glass pane. Since this doorway is a new access point, the existing adjacent storefront will be repaired to match the existing adjacent system and painted to match.

The existing door #3 at the corner of Hay and Maxwell streets will be replaced with a similar aluminum door painted to match the previous door.

The applicant is proposing to remove two existing painted wood doors with full glass panel and side lights, door #4 located on the left side along Maxwell, and replace it with an aluminum storefront door.

The existing wood panel door, door #5 (center along Maxwell), will be replaced with a white, metal door.

Lastly, the applicant is requesting to replace the existing painted wood door with full glass panel and sidelights, door #6 (right side along Maxwell), with a six panel metal door with steel sidelights inserts.

SECOND: Jeremy Fiebig

VOTE: (7-1) Arnold opposed

Henry Tyson inquired of Chair Varnedoe-Raynor if he could rejoin the proceedings. Varnedoe-Raynor called for a motion.

MOTION: George Turner motioned for Henry Tyson to reenter the proceedings

SECOND: Gordon Johnson

VOTE: Unanimous (8-0)

V. MINOR WORKS DISCUSSION

Mr. Taurus Freeman, Planning & Zoning Division Manager, presented the Minor Works applications that were accepted and approved by City Staff and listed on the January 28, 2020, Agenda.

- COA20-001–307 Person Street-Installing four slant-shaped awnings over street-side windows
- COA20-002–124 Hay Street – Refacing a double-sided, round wall sign

- COA20-003–145 Person Street- Installing a double-sided sign panel on existing bracket of building

VI. GENERAL DISCUSSION / OTHER BUSINESS

Arnold mentioned that during the prior meeting they discussed how the awning for Antonella's restaurant would be attached to the building and not the sidewalk. He asked how they should address this issue. Harper stated that they should make a motion of the intent of the Board to inhibit fasteners. If they vote on it the outcome would be a part of the meeting minutes. Baptiste added that the applicant was not clear on how they would attach the structure, and the Board's clarification regarding the fasteners would aid the applicant in determining how it would be attached.

MOTION: Arnold moved to amend case COA19-54F to attach the awning with the use of fasteners and not by mechanical means.

SECOND: Tiffany Ketchum

VOTE: (7-0-1) Fiebig abstained from voting

MOTION: Arnold moved for Gordon Johnson to leave early

SECOND: Henry Tyson

VOTE: Unanimous (7-0)

George Turner suggested that all future statements to the public need to be directed to Varnedoe-Raynor.

VII. ANNOUNCEMENTS

IX. ADJOURNMENT

MOTION: George Turner moved to adjourn the January 28, 2020, meeting.

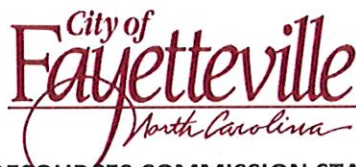
SECOND: Bruce Arnold

VOTE: Unanimous (7-0)

The meeting adjourned at 6:00 p.m.

Respectfully submitted by Catina Evans

MAJOR WORKS



HISTORIC RESOURCES COMMISSION STAFF REPORT

COA NUMBER: 20-012

HISTORIC RESOURCES COMMISSION HEARING DATE: July 28, 2020

APPLICANT: Tommy Sanitz
171 H & H Ranch Loop
Willow City, TX 78675

OWNER: Sanitz Enterprise, INC
c/o Tommy Sanitz
171 H & H Ranch Loop
Willow City, TX 78675

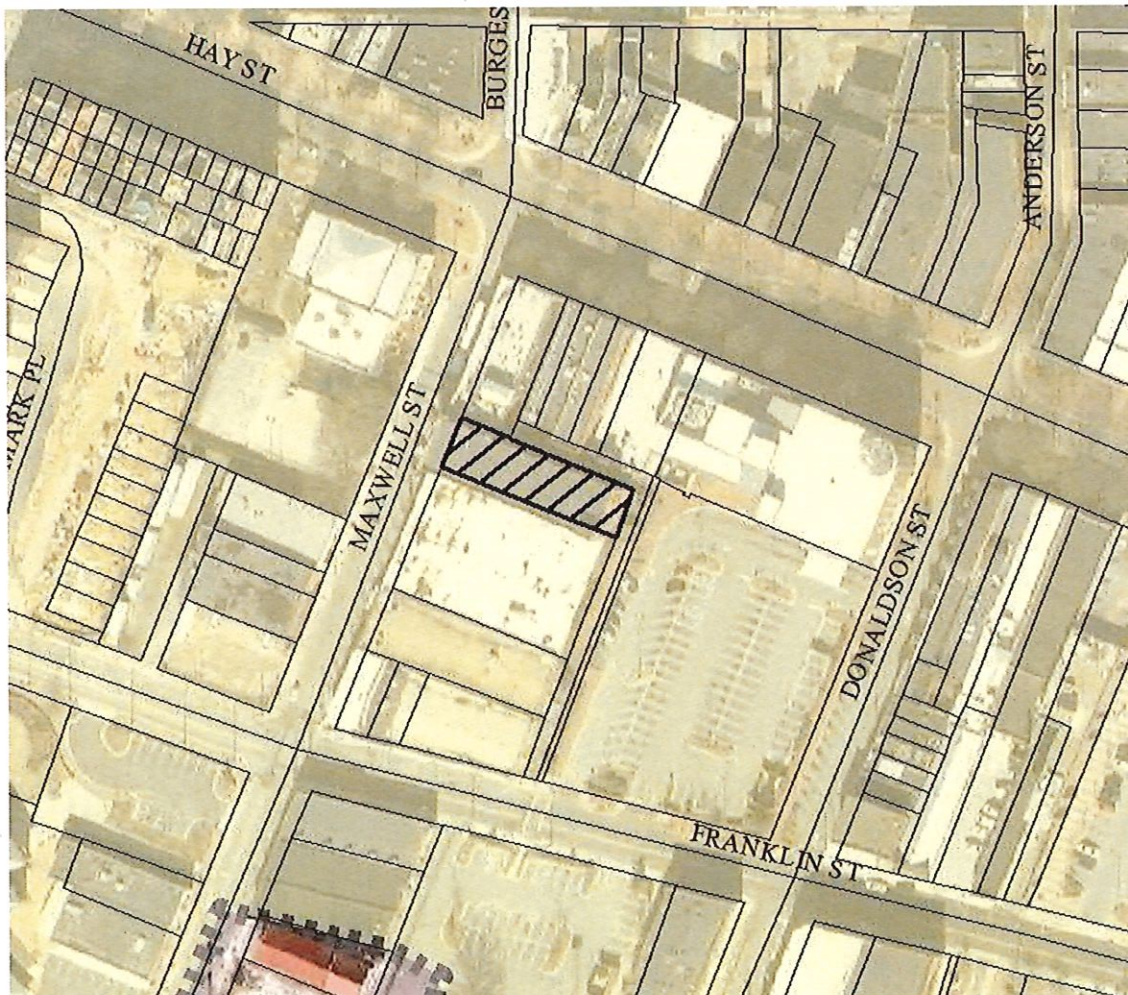
STAFF: Jennifer Baptiste, CFM

PROPOSAL AND REQUESTED ACTION:

The applicant is requesting Certificate of Appropriateness (COA) to renovate the current façade of the S. H. Kress and Company Building by returning the façade to a closer version of the original storefront design.

SITE LOCATION:

The subject property is located at 111 Maxwell Street (Tax ID 0437-54-6169).



HISTORIC DESIGNATION:

Downtown Historic District

BACKGROUND INFORMATION:

Downtown Historic District

The Downtown Historic District encompasses the original commercial center of the city. The historic, architectural, and archaeological resources of the district are significant for the information they possess relative to the settlement pattern and the urban development of Fayetteville. The period of significance covers the late 18th century to the mid-20th century.

Fayetteville's earliest settlement, the commercial district, developed as an important regional trade center in the Upper Cape Fear River Valley in eastern North Carolina. The architecture of the commercial buildings reflects this development and ranges from the brick Federal-style Liberty Row shops on Person Street to the early 20th century Dutch Colonial Revival, Mediterranean Revival and Neo-Classical Revival buildings. These buildings share common walls, of durable materials such as brick, ashlar veneer, and/or steel. Lots are typically 20 to 40 feet wide and 80 to 100 feet deep with buildings located adjacent to public sidewalks.

The Downtown Historic District, listed locally as well as on the National Register of Historic Places, includes two additional National Register Historic Districts; the Market House Square Historic District, and the Liberty Row Historic District. The Historic District's focal point is the brick Market House, constructed in 1832, a National Historic Landmark, modeled after an 18th century English town hall.

S. H. Kress Building – The two and one half and three – story brick building, painted white, is four bays wide on Hay Street and extends along the east side of Maxwell Street. The storefront and first story levels are concealed by later twentieth century metal sheathing. The second story contains window openings with stacked, stretcher brick jambs and rowlock heads with corner blocks. A soldier course belt carries across the window heads just below metal vents in the attic story. The Hay Street façade has a parapet wall that may have contained a sign originally. The storefront level facing Hay Street is a cut – away corner supported by a large round post. The middle section of the Maxwell street elevation rises to three stories with a projecting dentil cornice and sign board reading, “KRESS.” All windows and doors have been covered with plywood.

The building was built circa 1915 as the S.H. Kress & Co. 5- and 10-Cent Store. It operated at this location until the mid – twentieth century.

Building Materials

Building materials encompass more than foundations, walls, and roofs. Decorative and architectural elements are also considered building materials. The building material is essential to the contributing qualities of a historic building. It is important to retain and preserve these materials so that the significance of the building and the district is not compromised. In addition, new building materials should not be introduced in a way that compromise the integrity of the building or district.

Windows and Doors

Architecturally, windows and doors are provided for functional purposes to admit light and access to a building. Historically, the patterns of windows may have been planned to provide ventilation as well as light. Historic windows are usually double-hung wood sash. The configuration of the windowpanes can indicate the style of architecture and period of construction. It is also important to consider the details that accent windows and doors. These significant details include window hoods, brackets, muntins, moldings, sash, surrounds, frames, shutters, blinds, panels, thresholds, sidelights, fanlights, transoms, and hardware.

In historically commercial districts, the buildings usually have large display windows on the first floor with a recessed or flush entrance. The majority of windows on the upper stories are double-hung wood sash windows.

Storefronts

Storefronts are characteristic of historically commercial areas. Storefronts generally refer to the first floor front façade of a historically commercial building. The storefront contains the entrance to the store and usually large display windows. Entrances are sometimes recessed, affording a significant floor and ceiling treatment. The storefront is the most character-defining element of a historically commercial building.

In addition, many historic storefronts were updated periodically to reflect new materials and architectural styles. It is important to preserve and maintain important features found on the upper-stories of storefront buildings. These elements include windows, window hoods, patterned brick, cornices, brackets, and parapet walls.

Accessibility

The passage of the Americans with Disabilities Act in 1990 requires access to buildings open to the public. In many cases creating access to historic buildings while maintaining significant features requires a carefully thought out plan. It is important that all citizens be able to enjoy Fayetteville's architectural treasures. However, it is also important not be lost. The plan must also be in compliance with the North Carolina State Building Code. In addition to accessibility, public safety is also an issue.

SCOPE OF WORK SUMMARY:

Factors

The applicant proposes to retrofit the existing façade of S. H. Kress and Company Building by returning the façade to a closer version of the original storefront design.

Findings

This application is requesting a Certificate of Appropriateness to remodel the S.H. Kress and Company Building by reconstructing the current façade to the original building façade. The proposed redevelopment will involve returning the exterior façade to a style similar to the original storefront entrance. This includes changing the ingress and egress point as well as reinstalling the missing building frieze.

The building is listed as being constructed in 1915 with the site being listed as a 5,662.8 square feet ± lot located in the Historic Downtown District. This portion of the Kress building contains approximately 16,920 square feet of leasable space. Currently, the building is vacant. The redevelopment of the site will provide a new use for a vacant building and provide additional living spaces in the Downtown area.

A major part of the rehabilitation to the building will be to the exterior of the building. The owner will be renovating the current façade and will restore the original building façade with a replica of the original Kress storefront façade.

Due to the Kress building being a National Registry property, additional redevelopment standards for the property have been put in place. According to the United States Department of the Interior National Park Service's Conditions Sheet submitted by the applicant, four conditions are to be met:

- Cleaning of exterior masonry must be accomplished using the gentlest means possible without damaging the surface of the masonry.
- Repointing mortar must match the color, texture, strength, joint width and joint profile of the existing historic masonry. Samples should be reviewed and approved by the SHPO and NPS before proceeding with the work.

- Existing windows (wood and metal) must be repaired rather than replaced. If any windows are deteriorated beyond repair, thorough documentation of the need for replacement must be submitted for review and approval by the SHPO and NPS before any replacement windows can be reviewed.
- The replacement storefront must be compatible with the appearance, size, design, proportions, and profiles of a traditional historic storefront, and the glazing must be clear. The face of the storefront must more closely align with the face of the façade brick wall, rather than a recessed and aligned with the door as shown in the drawings. The doors, however, may be recessed within the storefront.

Applicable Design Guidelines

Building Materials

- Maintain and preserve building materials that contribute to the character of the building and the significance of the district as a whole. These materials include siding, shingles, cornices, architraves, brackets, pediments, columns, balustrades, architectural moldings, chimneys, cornices, quoins, steps, lintels, arches, foundations, roofing, flashing, storefronts, railings, and hardware.
- If materials must be replaced due to deterioration, replace only the detail or element with materials similar to the original material in size, shape, design, scale color, and material.
- Repair historic building materials using acceptable preservation methods.
- If a detail is missing, replace it with a feature based on existing details or documentary photographs. Replace with materials similar in size, shape, design, scale, color, material as the original.
- Wooden building materials and details should be painted. It is not appropriate to remove paint to replace with stain.
- Building materials that are in sound condition should not be replaced with new materials.
- Architectural details and features that replicate a historic detail should not be applied to a historic building without documentary evidence that it is appropriate. Details should not be used to create a false sense of history.

Windows and Doors

- Preserve and maintain historic windows and doors as well as historic materials, details, and features of the windows and doors that contribute to the character of the historic building or district.
- Repair historic windows, doors, and their details and features using accepted preservation methods.
- Awnings may be installed over windows, doors, porches, and storefronts where historically appropriate. The installation of awnings should not obscure windows, doors, or other character defining features. Awning design should be based on historical profiles, styles, and shapes.
- If new windows or doors must be installed for adaptive use, they should be installed on secondary elevations of the building, in such a way as not to compromise the significance of the building.

Storefronts

- Maintain and preserve historic storefronts and their significant features including entrances, display windows, transoms, bulkhead, pilasters, column, signs, and awnings.
- Masonry building materials should be repaired using recognized preservation methods. Cracked or missing mortar joints should be carefully repointed using materials, methods, and finishing methods that duplicate the original. The new mortar should match the original in color, texture, composition, and strength.
- Building materials that are in sound condition should not be replaced with new materials.
- Architectural details and features should not be applied to a historic storefronts without documentary evidence that it is appropriate. Details should not be used to create a false sense of history.

Accessibility

- Retain site features and character defining elements whenever possible.
- Design ramps and lifts with elements that are compatible to the material, scale, finish, and character of the historic building and district.
- Locate ramps and lifts in areas that are sensitive to the integrity of the building and setting whenever possible.
- Elevator additions, fire escapes, fire doors, and secondary entrances should be located on rear facades or the least character defining portion of the building.

STAFF RECOMMENDATION:

Staff is recommending approval as the project meets all of the criteria in the Design Guidelines. It does not detract from or create an incongruity in the area.

ATTACHMENTS:

- Application
- Site Photograph
- Proposed Façade Modifications
- Packet from the National Historic Trust



433 Hay Street, Fayetteville, North Carolina 28301
910-433-1612 Fax# 910-433-1776

Certificate of Appropriateness Application Form (COA)

- ☐ Minor Work (Fee: \$35.00)
☒ Major (HRC) Reviewed by HRC (Fee: \$100.00)

Submittal Date: 3/24/2022

COA#: 20-012 : (HRC staff will assign COA#)

Notes:

1. Depending on the proposed activity, the review and decision on an application may be undertaken by staff for a Minor COA or the Historic Resources Commission (HRC) for a Major COA in accordance with the procedures and standards in the Unified Development Ordinance (UDO) and the *Design Guidelines for Fayetteville's Historic Districts and Local Landmarks*.
2. A pre-application conference is required prior to submitting this application for a major COA, and it is strongly encouraged in all cases to prepare a complete application and to avoid delays in the review process.
3. Any development within the Historic/Landmark Overlay (HLO) is required to have a certificate of appropriateness approval before any other development application is filed; conditions may be attached to an approval.
4. Public notification requirements may include the on-site posting of the meeting date, time, and location for public review. A site visit may also be required for consideration of your application. Your signature on the accompanying Master Application Form authorizes the placement of such notice and allows members of the Historic Resources Commission and/or City staff to enter the property to view the exterior of any buildings or structure on the site.
5. An approved COA expires after 12 months if work has not commenced or permits have not been obtained.

General Project Information

Project Address: 111 Maxwell Street

PIN: 0437-54-6169
Tax Parcel Identification Number

Was a pre-application conference conducted? ☐ Yes ☐ No ☐ Historic District ☐ Local Landmark

Written Description of Exterior Work

☒ New Construction ☒ Changes to an Existing Structure/Site ☐ Demolition ☐ Signage ☐ Other

A) Describe in your own words all exterior work, buildings, and construction that can be seen from a public right-of-way. Be sure to indicate all exterior materials and colors. You may use additional sheets and attach manufacturer's information sheets where appropriate.

12 Condo Project, Storefront picture & drawings attached.
This is a National Park Service project. Phase 2 is attached and approved. They are requiring Attachment 1B as the Storefront.
1A is a drawing of proposed and approved facade. Facade engineer drawings attached.

Submittal Requirements for CDA Applications

A. General Information for all CDA Applications

- ☐ Certificate of Appropriateness Application Form
- ☐ Certificate of Appropriateness Fee (Minor Work = \$35.00 / Major Work = \$100.00)
- ☐ Color photographs of the site showing all public views of site, areas where work will be done, and surrounding properties
- ☐ A materials sample sheet showing color, type, manufacturer, and item number of new materials being proposed

B. Submittal Requirements for Buildings

- ☐ Scaled drawings showing physical survey including property, all site conditions, and adjacent structures (elevation drawings only required for building facades subject to modification)
- ☐ Historic evidence (such as old photos) to justify any restoration of missing elements where applicable

C. Submittal Requirements for Fences

- ☐ Scaled drawings showing physical survey including the property, adjacent structures, and proposed alterations (elevations of fences and other structures as requested)

D. Submittal Requirements for Signs

- ☐ Site drawing showing sign location
- ☐ Scaled drawing showing sign face, border, mounting mechanism, color, size of sign and lettering, and materials
- ☐ All material necessary for issuance of a zoning compliance permit for signage (if new signage or modifications to signage are proposed)

E. Submittal Requirements for New Construction and Additions

- ☐ Scaled drawing showing physical survey including property, adjacent structures and location of property boundaries, buildings, site lighting, parking, walkways, mechanically/electrically equipment, accessory structures, fencing, and plantings
- ☐ Elevations of proposed structure and the historic building including texture, relative grade and elevations related to floor level (including drawings of architectural details)
- ☐ Floor plans of affected exterior walls on the historic building
- ☐ A description of how the new structure maintains compatibility with the existing structure in cases where new construction is proposed

F. Submittal Requirements for Demolition

- ☐ A statement describing the need for demolition (if applicable) and plans for new use of property
- ☐ Documentation of hardship including photographic evidence where applicable

Applicant Contact Information

Applicant's Name: Tommy Sanitz
 Mailing Address: 171 H+ H Ranch loop
 Phone No.: 719-439-2183
 Email: Tommy.Sanitz@ampatss.com
 Applicant's Signature: [Signature]

Owner Contact Information (If Different From Applicant)

Owner Name: [Blank]
 Mailing Address: [Blank]
 Phone No.: [Blank]
 Email: [Blank]
 Owners Signature: [Blank]

☐ Approved

☐ Not approved

Historic Resources Planner

Date:

Revised 07/10/2017

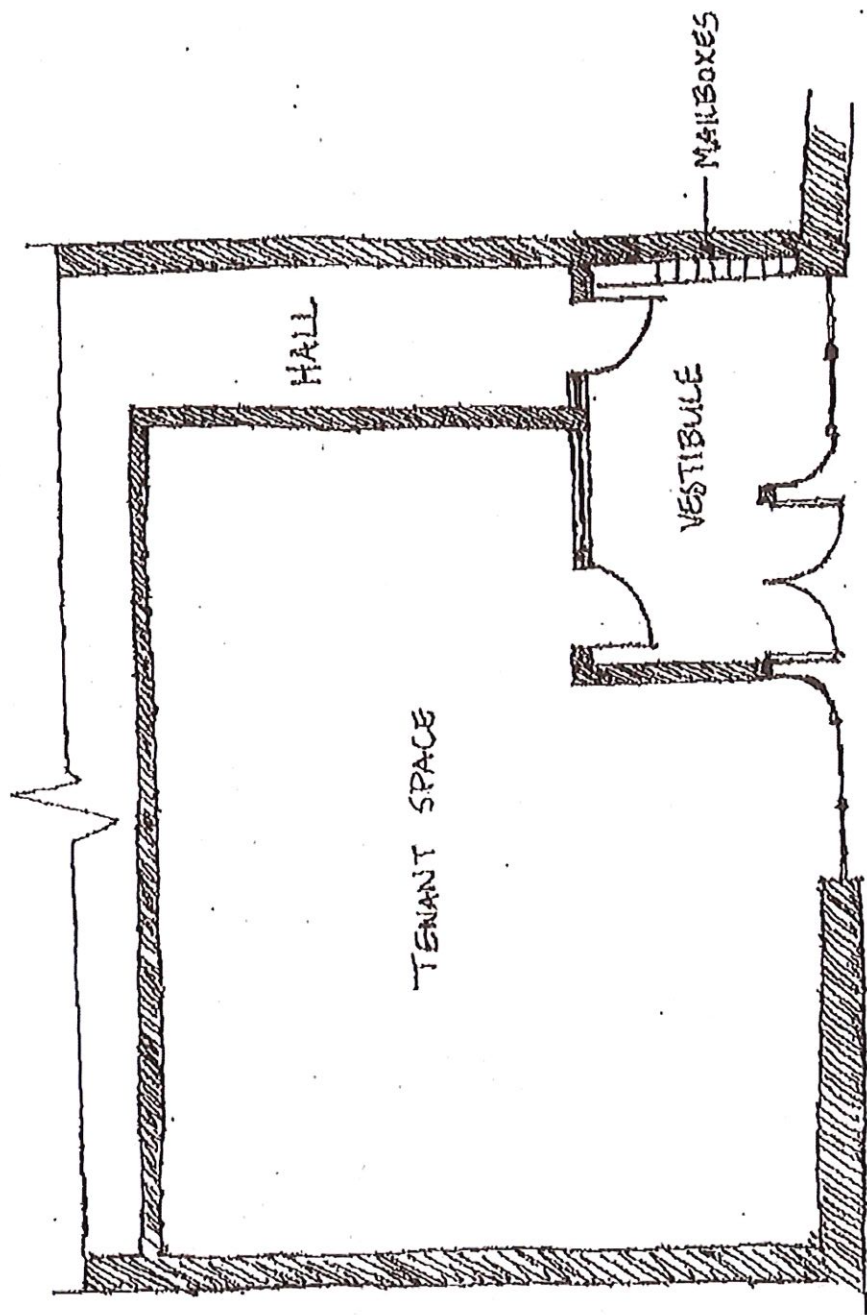
Subject Property





Existing Entrance - Perspective

New Proposed Entrance



New Proposed Entrance - Floor Plan

New Proposed Entrance and Frieze



New Proposed Entrance With New Frieze - Perspective





North Carolina Department of Natural and Cultural Resources

State Historic Preservation Office

Ramona M. Bartos, Administrator

Governor Roy Cooper
Secretary Susi H. Hamilton

Office of Archives and History
Deputy Secretary Kevin Cherry

May 22, 2017

Ms. Jennifer Parker
National Park Service
Technical Preservation Services
1849 C Street NW, Mail Stop 7243
Washington, DC 20240

Re: Historic Preservation Certification Submission
S. H. Kress and Company Building
111 Maxwell Street
Fayetteville, Cumberland County, NC
NPS #33478

Dear Ms. Parker:

Enclosed is the Historic Preservation Certification Application Part 2—Description of Rehabilitation for the S. H. Kress and Company Building that has been submitted by Tommy Sanitz, Sanitz Enterprises.

Staff members of this office have reviewed the information provided in the application. It is the opinion of this office that the project appears to meet the Secretary of the Interior's Standards for Rehabilitation if the attached conditions are met.

We request that your office review the application and notify the owner and this office of your determination. If you have questions concerning the above comments, please contact Tim E. Simmons, Senior Preservation Architect and Income-producing Tax Credit Coordinator, at 919-807-6585 or tim.simmons@ncdcr.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Ramona M. Bartos".

Ramona M. Bartos, Deputy
State Historic Preservation Officer

Enclosures

cc: Tommy Sanitz
Daphne Sanitz

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

CONDITIONS SHEET
Historic Preservation Certification Application

Property name: S. H. Kress and Company Building

Project Number: 33478

Property address: 111 Maxwell Stret, Fayetteville, Cumberland County, NC

The rehabilitation of this property as described in the Historic Certification Application will meet the Secretary of the Interior's Standards for Rehabilitation provided that the following condition(s) is/are met:

1. Cleaning of exterior masonry must be accomplished using the gentlest means possible without damaging the surface of the masonry. This work must be accomplished in accordance with the guidance provided in Preservation Brief 1, *Assessing Cleaning and Water-Repellent Treatments for Historic Masonry Buildings*. Specifications and test cleaning samples should be reviewed and approved by the State Historic Preservation Office (SHPO) and National Park Service (NPS) before proceeding with this work. Good quality overall and close-up color photographs of the masonry both before and after cleaning must be submitted with the Request for Certification of Completed Work.
2. Repointing mortar must match the color, texture, strength, joint width and joint profile of the existing historic masonry. Specifications and repointing samples should be reviewed and approved by the SHPO and NPS before proceeding with this work. Good quality overall and close-up color photographs of the masonry both before and after repointing must be submitted with the Request for Certification of Completed Work.
3. Existing windows (wood and metal) must be repaired rather than replaced. If any windows are deteriorated beyond repair, thorough documentation of the need for replacement must be submitted for review and approval by the SHPO and NPS before any replacement windows can be reviewed. There are several areas where replacement windows are called out (drawings show six sets of metal windows on the third floor of the north elevation and the third floor on the west elevation) although the application states that the sash are to be repaired. If the SHPO and NPS agree that some sash cannot be repaired, both agencies will need to review elevations and large scale sections (head, jamb, sill, muntin, and mullion) through both existing and proposed sash and trim to ensure new material matches the historic. In addition, the existing window openings must not be widened to accommodate the proposed balconies and new doors on the second floor of the alley.
4. The replacement storefront must be compatible with the appearance, size, design, proportions, and profiles of a traditional historic storefront, and the glazing must be clear. The face of the storefront must more closely align with the face of the façade brick wall, rather than be recessed and aligned with the doors as shown in the drawings. The doors, however, may be recessed within the storefront. The sketch storefront plan that was conditionally approved based on the documentary photo are both attached. Note the proposed vertical mullions in the sketch plan should more close align with the documentary photo. Detailed drawings showing this revision should be reviewed and approval by the SHPO and NPS before proceeding with this work. Photographs of the completed work showing this condition must be submitted with Request for Certification of Completed Work.

Any substantive change in the work as described in the application should be brought to the attention of the State Historic Preservation Office and the National Park Service in writing prior to execution to ensure that the proposed project continues to meet the Standards.

May 22, 2017
Date


State Official Signature

Deputy SHPO

919-807-6585
State Contact Telephone Number

The National Park Service has determined that this project will meet the Secretary of the Interior Standards for Rehabilitation if the condition(s) listed in the box above are met.

Date

National Park Service Signature

Telephone Number



North Carolina Department of Natural and Cultural Resources
Division of Historical Resources
State Historic Preservation Office
State Tax Credit for Rehabilitating Historic Structures

RECEIVED JAN 12 2017

HPO Use Only

Project No.: F15042

HISTORIC PRESERVATION CERTIFICATION APPLICATION
PART A – DESCRIPTION OF REHABILITATION

Rev. 1/1/16

Read the instructions carefully before completing. No certification can be made unless a completed application form has been received. The decision by the State Historic Preservation Officer (SHPO) with respect to certification is made on the basis of this application form. In the event of any discrepancy between the application form and other, supplementary material submitted with it (such as architectural plans, drawings, and specifications), the application form shall take precedence.

Check applicable box(es): ☒ Income Producing ☐ Non-Income Producing

1. Name of property: S. H. KRESS AND CO. Street 229-231 HAY STREET (111 MAXWELL STREET)

City FAYETTEVILLE County CUMBERLAND State NC Zip 28301

☒ Located in a National Register or Certified Local Historic District; please specify district: DOWN TOWN FAYETTEVILLE

☐ Listed individually in the National Register of Historic Places; give date of listing: _____

☐ Not currently listed in the National Register, either individually or as a contributing building in a National Register or Certified Historic District. A nomination is proposed and listing is anticipated by the time of project completion.

2. Data on building and rehabilitation project:

Date building constructed: 1915 Estimated rehabilitation expenses: \$ 2200000.00
Use(s) before rehabilitation: VACANT Proposed use(s) after rehabilitation: COMMERCIAL/RESIDENTIAL
Floor area before rehabilitation: 16800 Floor area after rehabilitation: 16800
Project start date (est.): JUNE 2017 Completion date (est.): DECEMBER 2018

3. Project Contact: (if different than owner)

Name DAPHNE SANITZ Telephone (830) 998-5144 Email Address DS@AMPATSS.COM
Street 171 H AND H RANCH LOOP RD City WILLOW CITY State TX Zip 78675

4. Owner: I hereby attest that the information I have provided is correct to the best of my knowledge, and that I own the property described above.

Name TOMMY SANITZ Signature [Signature] Date 11/8/2016
Company SANITZ ENTERPRISE Social Security or Taxpayer Identification Number 453-31-5975
Street 171 H AND H RANCH LOOP RD City WILLOW CITY State TX Zip 78675
Telephone 719-439-2183 Email Address TOMMY.SANITZ@AMPATSS.COM

State Historic Preservation Office (HPO) Use Only

The HPO has reviewed "Historic Preservation Certification Application Part A" for the above-named property and the SHPO has determined:

☐ that the proposed rehabilitation described herein is consistent with the historic character of the property or the district in which it is located and that the project appears to meet the Secretary of the Interior's Standards for Rehabilitation. This determination is preliminary since a formal certification of rehabilitation can be issued to the owner of a "certified historic structure" only after rehabilitation work is completed.

☒ that the proposed rehabilitation appears to meet the Secretary of the Interior's Standards for Rehabilitation if the attached conditions are met. This determination is preliminary since a formal certification of rehabilitation can be issued to the owner of a "certified historic structure" only after rehabilitation work is completed.

☐ that the proposed rehabilitation does not appear to be consistent with the historic character of the property or the district in which it is located and that the project does not appear to meet the Secretary of the Interior's Standards for Rehabilitation for the attached reasons.

Deputy SHPO

Date MAY 22 2017

CONDITIONS SHEET

Historic Preservation Certification Application

Property name: S. H. Kress and Company Building

HPO Project Number: F15042

Property address: 111 Maxwell Street, Fayetteville, Cumberland County, NC

The rehabilitation of this property as described in the Historic Certification Application will meet the Secretary of the Interior's Standards for Rehabilitation provided that the following condition(s) is/are met:

1. Cleaning of exterior masonry must be accomplished using the gentlest means possible without damaging the surface of the masonry. This work must be accomplished in accordance with the guidance provided in Preservation Brief 1, *Assessing Cleaning and Water-Repellent Treatments for Historic Masonry Buildings*. Specifications and test cleaning samples should be reviewed and approved by the State Historic Preservation Office (SHPO) and National Park Service (NPS) before proceeding with this work. Good quality overall and close-up color photographs of the masonry both **before** and after cleaning must be submitted with the Request for Certification of Completed Work.
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3. Existing windows (wood and metal) **must be repaired** rather than replaced. If **any** windows are deteriorated beyond repair, thorough documentation of the need for replacement **must** be submitted for review and approval by the SHPO and NPS before any replacement windows can be reviewed. There are several areas where replacement windows are called out (drawings show six sets of metal windows on the third floor of the north elevation and the third floor on the west elevation) although the application states that the sash are to be repaired. If the SHPO and NPS agree that some sash cannot be repaired, both agencies will need to review elevations and large scale sections (head, jamb, sill, muntin, and mullion) through both existing and proposed sash and trim to ensure new material matches the historic. In addition, the existing window openings must not be widened to accommodate the proposed balconies and new doors on the second floor of the alley.
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Any substantive change in the work as described in the application should be brought to the attention of the State Historic Preservation Office in writing prior to execution to ensure that the proposed project continues to meet the Standards.

The State Historic Preservation Officer has determined that this project appears to meet the Secretary of the Interior Standards for Rehabilitation if the condition(s) listed in the box above are met.



Deputy SHPO

May 22, 2017

Date